

'LNP Government - milking and squandering incumbency?'

Professor Graeme Orr¹

In just under three weeks, Queenslanders will vote in a state election for the 55th time in 155 years. Two broad structural forces will meld to decide the election: incumbency and volatility.

In a young government, incumbency should be an overwhelming advantage. In less than three years the Newman administration has milked and squandered its incumbency, in equal measures.

The Government has numerous aces in its hand. The first, played relentlessly over the past six months, is its unfettered access to government advertising. This is a benefit denied to oppositions and crossbenchers.

The LNP has soft-soaped Queenslanders with taxpayer-funded propaganda, in the guise of educating citizens on the virtues of "Strong Choices" and its delivery of services. Public servants have been grimacing, but this drip-drip works.

The second ace, which it set in place last year, is reshaped electoral rules. Unlimited donations and unlimited electoral expenditure, combined with the power of incumbency, mean the LNP has amassed an unprecedented war-chest.

And it can spend all of it in a lightning campaign.

There are dangers in bombarding a cynical electorate. But, carefully crafted, such advertising works – especially with compulsory voting. Unless Palmer Inc finds some hollow logs, the Government will outspend rival parties and interest groups by a country mile.

Other electoral rules favour the Government. Facing opposition from Labor, the Greens, Palmer, Katter and rural independents, the Government must feel like Gulliver on Lilliput. Labor desperately needs a tight flow of preferences between the various "oppositions". Optional preferential voting makes that hard.

Attorney-General Jarrod Bleijie also legislated to require voters to produce ID at the polls. This is a unique development in Australian elections. How it will play out is unclear. If the

¹ Graeme Orr is Professor of Law at the University of Queensland and author of *The Law of Politics Elections, Parties and Money in Australia*, The Federation Press, 2010. This article first appeared in the *Courier-Mail*, 14.1.15.



US experience is a guide, a lot of poorer, younger, indigenous and elderly voters will be caught out; unable to cast a ballot on the day.

At least for this election, those without suitable ID will be offered a "declaration vote". This bureaucratic hurdle allows one to lodge a ballot and the Electoral Commission to scrutinise the paperwork after the election. Voters without ID will never find out if their ballot is accepted.

The third ace was played a week ago. At barely 26 days, the minimum allowed by law, the campaign will be short, if not sweet. It is the first election held in January, in mainland Australia, for more than 140 years. The rushed campaign and dormancy of high summer are calculated to minimise scrutiny of the Government. This cynical action by the Premier is the perfect argument for fixed-term elections.

That the Government is avoiding scrutiny speaks volumes. Scrutiny is hard enough in state politics these days, with so much media focused on national affairs. Facing a rump Labor Party, the LNP should be keen to shine a long searchlight on an inexperienced opposition.

Instead, this election is a referendum on a government that squandered much of its incumbency, via a mixture of unnecessarily divisive social and legal policies, and fiscal tightening and asset sales at a time of economic downturn and employment jitters. Besides incumbency tricks, there is another force at work. This is the ongoing trend to a more volatile electoral politics, across Australia and much of the West. It reflects a declining faith in parliamentary democracy, economic dislocations, and the narrowing social bases and relevance of the two major parties.

This volatility was demonstrated in the record low vote of the Labor Party in 2011, and again in the rapid decline in popularity of both the Newman and Abbott governments. The swings in the electoral pendulum have been giddying.

With fewer voters wedded to either major party, the minor parties and Independents routinely secure a fifth to a third of the vote. Combined, the major parties won only 70 per cent of the Senate vote in Queensland at the last federal election. Given that many younger people are not enrolling, and many others spoiling their ballots or not voting, the major parties represented less than 60 per cent of the population.

Yet our "winner takes all" system of voting in local electorates, rather than by proportional representation, ensures that the two major parties – the Coles and Woolworths of the electoral market – remain the parties of government.

Where, ultimately, do all these structural forces point? The pendulum will swing back to bloody or even break the Government's nose.

But the LNP is likely to win, even with a double-digit swing against it. A hung parliament is unlikely. Premier Campbell Newman, needing a miracle to hold Ashgrove, could be like former prime minister John Curtin, a leader fallen victim of a war his side wins.